

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

THOMAS B. ASELTINE

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: 2004 M 0559 RBC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 15, 2004 in Barnstable county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

maliciously damage or destroy by means of fire any building or other personal or real property in whole or in part owned or possessed by the United States or any department or agency thereof.

in violation of Title 18 United States Code, Section(s) 844(f)(1)

I further state that I am a(n) Special Agent of the ATF and that this complaint is based on the following facts:
Official Title

See Affidavit of Joseph K. Granatino

Continued on the attached sheet and made a part hereof:



Yes



No

Joseph K. Martin
Signature of Complainant

Sworn to before me and subscribed in my presence,

DEC 20 2004

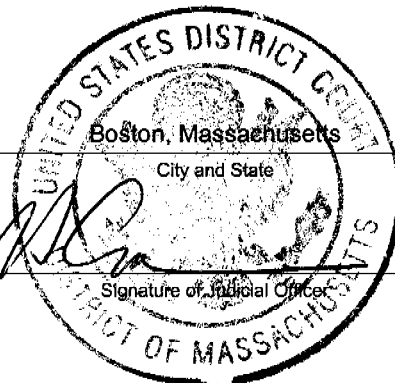
at 4:36 pm

at

Date

ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, Joseph K. Granatino, having been duly sworn, on oath depose and state that:

I. INTRODUCTION

1. I am a Special Agent assigned to the Boston Field Office of the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed for more than 14 years. As an ATF Special Agent, I am responsible among other things for conducting investigations relating to the violation of federal firearms, arson and explosive laws, and have participated in numerous arson investigations.

2. I am aware based on my training and experience that Title 18, United States Code, Section 844(f)(1) makes it a federal offense for anyone to maliciously damage or destroy by means of fire any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof. Having so stated, I make this affidavit in support of a complaint charging Thomas B. Aseltine ("Aseltine") (year of birth: 1980) with arson in violation of 18 U.S.C. §844(f)(1), on December 15, 2004. This affidavit is also submitted in support of a search warrant for Aseltine's residence, located at 517 Ocean Street, Apartment 4, Hyannis, Massachusetts which

is more particularly described in paragraph 4 below.

3. The statements contained in this affidavit are based on my own investigation and on information provided to me by other ATF agents, the National Park Service and local police officers. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish probable cause to believe that Aseltine has committed arson in violation of the statute and that evidence of that crime is located at 517 Ocean Street, Apartment 4, Hyannis, Massachusetts.

II. DESCRIPTION OF PREMISES:

4. The structure at 517 Ocean Street, Hyannis, Massachusetts is a two-story, multi-unit, cape-style dwelling. The front of house is covered in white clapboard; the other sides are covered with naturally weathered cedar shingles. The roof is covered in brown asphalt shingles and has a white cupola and brick chimney. The structure has a single front door in the center of the facade and has the number "517" attached to the structure to left of the front door. There is a brass lantern on each side of the front door. On each side of the front door, there are two windows. There are two dormers facing the street on the second floor. The property

includes a four-space parking lot adjacent to the street. Between the parking lot and the building, there is a small grassy area. There are five green shrubs with red bows attached to each in front of the structure. There is a flagpole in the left portion of the yard as viewed from Ocean Street. On the right side of the house, there is a wooden picnic table and grill. Apartment 4 of 517 Ocean Street is on the second floor. It is reached by entering the front door and climbing a flight of stairs, which is directly in front of the front door. Apartment 4 is on the left at the top of the stairs. The door to Apartment 4 has the number "4" on it.

III. ITEMS TO BE SEIZED

5. I seek a search warrant for the above-described premises because I believe probable cause exists to conclude that there is presently located within said premises the following, which is property that constitutes evidence of the commission of a criminal offense and property that is intended for use or has been used as a means of committing a criminal offense:

- A. Footwear;
- B. Clothing that appears to contain traces of flammable liquid, based on whether an arson detection dog alerts to the presence of such flammable liquid;

- C. Dirt or debris that may have been transferred from the crime scene to the search premises;
- D. Any ignitable liquids and residual contamination by ignitable liquids on clothing, footwear, or carpeting.
- E. A 27-inch Toshiba color television, Model No. 27A14 and a Toshiba DVD player, Model No. SD/K740.

IV. EVIDENCE OF THE COMMISSION OF A CRIME

6. Over the past several weeks, in cooperation with officers of the Massachusetts State Police and the Dennis, Massachusetts Police Department, I have been involved in the investigation of several fires set at structures in the Town of Dennis. Since November 6, 2004, there have been ten such fires on Cape Cod. Most of the fires have been set at residences and businesses that were broken into before the fire was set. Most of the fires were set with the use of an accelerant, i.e. an ignitable liquid and had multiple points of origin.

7. One such fire occurred on November 27, 2004, at approximately 10:30 p.m. At that time, the Dennis Police Department responded to a report of a breaking and entering in Dennis and, upon arrival, found that the structure was on fire. A witness told police that, minutes earlier, he saw two

white men with short hair, each approximately six feet tall running from the scene of the fire toward a dirt road behind the burning structure. The witness saw the two men get into what he believed to be white Honda Prelude with a sun roof and drive away. The witness believed the car to be a late 1980s or early 1990s model.

8. Within approximately four hours of the events described in paragraph 7 above, four additional fires were set at structures within one-eighth of a mile of the fire described above.

9. On December 15, 2004 at approximately 7:20 p.m., Wellfleet police officers responded to a burglar alarm in the Town of Wellfleet, Massachusetts. While en route to the location of the burglar alarm, the officers observed tire tracks in the driveway of 286 Standish Street. The tracks were clearly visible because it had snowed recently. When the officers went to 286 Standish Road to investigate further, they discovered that the house at 286 Standish Road was on fire. Officers also found fresh footprints in the snow at 286 Standish Road. The police photographed the tire tracks in the driveway of the burning structure before the fire department arrived. Because fire vehicles drove over the tracks, the police were unable to obtain cast impressions of

the tracks.

10. Inside of the house at 286 Standish Road, police observed that the fire had two distinct points of origin. One was in the basement where several mattresses had been stacked up next to a washer and dryer and ignited. The second was located on the first floor in a bedroom closet. An arson detection dog trained in locating accelerants alerted to presence of an accelerant in the closet.

11. The property at 286 Standish Road is located within the boundary of the Cape Cod National Seashore and is owned by the Federal Government.

12. Also on December 15, police discovered evidence that a person or persons had attempted to break into yet another residence in the vicinity of the fire at 286 Standish Road. Specifically, the police observed fresh tire tracks in the snow-covered driveway of a residence approximately 100 yards from the Standish Road fire. The police also observed a single set of fresh footprints that led from the tire tracks to the side door of the residence. The footprint had a distinct impression. The word "Propet," which is a brand of footwear, was clearly visible in the impression. Police also observed pieces of snow from the bottom of a shoe on the threshold between the storm door and the main door. The word

"Propet" was clearly visible there as well. It appeared that the main door had been kicked but had not given way. Police officers made cast impressions of both the tire tracks and the foot prints at this location.

13. At approximately 6:32 p.m., i.e. approximately fifty minutes before the police discovered the fire at Standish Road, Eastham Police Officers had a brief interaction with two individuals in a white Honda Accord on Doane Road in the Town of Eastham. The Honda Accord bore Massachusetts Registration Number 77MV50. The driver of the Honda was a thin white man with a crew cut. The passenger was a white man with dark hair approximately 1-3 inches in length. The two men in the Honda stopped at a location where the road was partially closed due to a previous accident. One of the Eastham police officers then engaged the driver in conversation. Because the Eastham officer was aware that a white Honda had been seen at the scene of one of the November 27 fires in Dennis, he preserved the tire tracks left by the Honda on Doane Road. Later on December 15, investigators made cast impressions of the tire tracks left by the white Honda on Doane Road.

14. One of the same Eastham police officers who observed the white Honda on Doane Road at 6:32 p.m on December 15, saw the same car being driven by the same person again at

approximately 7:21 p.m. At that time, the car was traveling south on Route 6 in Eastham, i.e. away from the vicinity of the fire. One of the Eastham officers has viewed an array of photographs of six individuals with similar physical characteristics, including Aseltine, and identified Aseltine as the man driving the Honda on December 15.

15. According to records maintained by the Registry of Motor Vehicles ("RMV"), Massachusetts Registration Number 77MV50 corresponds to a 1991 white Honda Accord, four-door sedan registered to Jordan McCarroll, who was born in 1980 and resides at 147 County Street, Lakeville, Massachusetts. Both Eastham officers who observed the RMV photograph of Jordan McCarroll and have stated that he was the passenger of the white Honda they observed on December 15. On December 16, 2004, Dennis police officers went to 147 County Street in Lakeville and observed, in the driveway, a 1991 white Honda Accord, four-door sedan bearing Massachusetts Registration Number 77MV50. The car had a sun-roof.

16. According to records maintained by the Massachusetts Criminal History Systems Board, Thomas B. Aseltine, who resides at 517 Ocean Street, Hyannis, Massachusetts and was born in 1982, was convicted in Barnstable District Court of malicious destruction of property in November 20, 2000. Eight

counts of breaking and entering a dwelling during the night with intent to commit a felony and eight counts of knowingly receiving stolen property are currently pending against Aseltine in Barnstable Superior Court.

17. Police investigators have compared the cast impressions of the tire tracks found in the vicinity of the Standish Road fire and the photographs of the tire tracks found at the scene of that fire with the cast impressions taken of the tires on McCarroll's car in Eastham. It is the judgment of those investigators that same tires made the tracks at each of the above locations.

18. Based on my training and experience as an arson investigator, arsonists who employ accelerants to set fires often inadvertently carry away traces of such accelerant on their clothing and footwear. Such traces of accelerant can be discovered through forensic analysis of such clothing and footwear.

19. On December 18, 2004, I interviewed Jordan McCarroll. McCarroll admitted to being present with Aseltine at three arsons in recent weeks, including the arson in Wellfleet on December 15. He stated that he had participated with Aseltine in breaking and entering into a house overlooking a lake in Dennis, Massachusetts in November 2004.

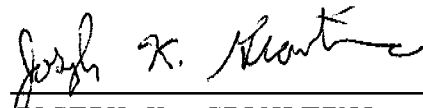
Based on McCarroll's detailed description of the location, it is clear that he is describing the property at 879 Route 6A in Dennis, Massachusetts. The dwelling at that address was burnt to the ground in a fire on November 7, 2004. According to McCarroll, he and Aseltine broke into dwelling and Aseltine stole certain property before setting the house on fire. Specifically, McCarroll said that Aseltine stole a television set and a DVD player.

21. Based on information provided by the Dennis Police Department, I am aware that investigators examining the fire scene at 879 Route 6A in Dennis discovered that a television set and a DVD player were missing from the residence. The owners of the residence have identified the missing television set as a 27-inch Toshiba color television, Model No. 27A14 and the missing DVD player as a Toshiba Model No. SD/K740.

22. I have spoken to the property manager of the building at 517 Ocean Street, Apartment 4, Hyannis, Massachusetts. According to the property manager, Aseltine is currently a tenant who resides in Apartment 4 of that building. The property manager has told me that Aseltine began his tenancy in later October 2004. Under the terms of Aseltine's rental agreement, he is the only person entitled to occupy the apartment. The property manager also informed me

that Aseletine has a key to, and is allowed to use, the laundry room, which is in the basement of 517 Ocean Street and is reached through a doorway on the right side of the building.

23. Based on the foregoing, I have probable cause to believe that Thomas B. Aseltine maliciously damaged by means of fire a building and other personal or real property in whole or in part owned or possessed by the United States, or any department or agency thereof, on December 15, 2004, in violation of 18 U.S.C. §844(f)(1), and that there is now concealed at 517 Ocean Street, Apartment 4, Hyannis, Massachusetts evidence of the commission of a criminal offense and property that is intended for use or has been used as a means of committing a criminal offense.



JOSEPH K. GRANATINO
Special Agent, ATF

DEC 20 2004

Sworn and subscribed to before me this ____ day of
December, 2004

ROBERT B. COLLINGS
U.S. Magistrate Judge